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THURSDAY, JANUARY 22, 1914.

WHERE POWER HAS GROWN.

Few chapters of American history show a more marked example of power by accretion than does the Interstate Commerce Commission, to which the President proposes authority shall be given to pass on the stock and bond issues and purchases of railroads.

The commission was created less by law than by necessity. Despite the broad ground taken by Chief Justice Marshall in the case of Gibbons vs. Ogden (5 Wheaton, 1), Congress claimed for forty years that competition would regulate the railroad rates of the country. But when, in 1858, the Supreme Court held that no State could interfere with interstate rates (Wabash vs. Illinois, 118 U. S. 557), Congress had to establish some agency which should prescribe proper interstate tariffs. The commission established February 4, 1887, by a bill of which Senator Cullum was author, was expected to be little more than a legal fiction to discharge perfunctory duties.

Within two years, however, it became manifest that if the commission were to set aside unreasonable rates, it must know wherein the rate was improper, and must, accordingly, have access to the books of the railroad companies. The result was the act of March, 1889, to which we owe our first accurate reports of railroad operations.

As the rulings of the commission were subject to review by the courts, these two acts were soon construed to define, though not always to enlarge, the powers of the commission. Thus, in the famous *Troy* case, decided in 1890, the courts empowered the commission to allow different rates where the element of water competition entered and established a new principle. But in the maximum rate case of 1897 the Supreme Court held that the power of the commission to declare a rate unreasonable did not carry with it the right to fix a reasonable rate.

While the latter ruling temporarily crippled the commission, other acts of Congress gave to it new authority in other directions. Feeling that if the commission should exist it might as well earn its pay, Congress, in 1893, placed in its hands the administration of the safety-devices act, and, in 1901, vested it with authority to investigate wrecks and accidents.

For almost a decade after the decision in the maximum rate case the commission was forced to content itself with the semblance of authority, unable to enforce its ruling or to correct unreasonable rates. But the Illinois act, passed in 1902, gave the commission power to prevent discrimination. This carried with it the right to brandish a club, which was so effective in preventing rebates that Congress, after a memorable debate three years later, vested in the commission the power to fix rates. Since that time the "ashpail," the "workshop," regulations, the transportation of explosives and a number of other important administrative duties have been placed in charge of the commission.

Thus, bit by bit, the power of the commission has been increased, until a fifth wheel in the machinery for the control of railroads has become in every sense the governor of the engine. For no other reason than that it existed, did it work reasonably well and never protested against new duties, the commission has been made second in power only to the Supreme Court of Appeals. And now, if the President's recommendations be adopted, the seven members of the commission will have the veto on the stock and bond issue of railroads—will, in short, hold the check-reins on progress.

The work of the commission has been earnest and its proceedings exhaustive. Commissioner Lanes report on express rates, for instance, and will probably remain one of the most remarkable economic feats of the generation.

During the last fiscal year the commission investigated 6,556 informal complaints, placed on its docket 6,699 cases of improper rates, ordered reparation to shippers in the sum of \$295,611, heard 755 formal complaints, ordered ninety-three judgments, successfully prosecuted sixty-one companies and passed on 5,039 applications for the continuance of temporary rates.

From those sections of the Constitution whose significance the framers of that document never realized have grown the great powers of the Federal government; from those agencies which often were disregarded or viewed with contempt, relief has come; from the Wabash Railroad case has arisen the most remarkable tribunal of its kind in the world.

Shanghai eggs are being shipped from China to this country, but at that they can't be any higher than the fresh Hanover product.

Pierpont Morgan has returned of his own accord to England, relics, the title of which is in doubt. He will be called upon to return a certain will regarding the title to which there is no doubt.

FOR THE PEOPLE, NOT THE BANKERS.

Two mistaken ideas of the bill to reduce the tax on bank deposits seem to stick in the minds of those who are not familiar with the practical operation of our laws. One is that this bill, in some strange way, is for the benefit of the bankers, and is being urged by them because it will help their business.

As a matter of fact, this amendment of an outrageous statute is for the benefit of the people, and not for the benefit of the bankers. The latter do not pay the tax, and have nothing to lose by its operation. They must, to be sure, expect large withdrawals during the last days of January, as long as the present law continues in force, and must make preparations accordingly. But to do this they merely have to call in their loans, inconveniencing, not themselves, but the business of the State.

And beyond this they are, neither directly nor indirectly, in any way affected by the operation of the law. The people who have money on certificate of deposit and pay more than half their interest in taxes, the business men who have open accounts, every cent of which they may owe; the widow whose little estate is in a savings bank—these, and not the bankers, benefit by the far-reaching mercy of the bill that has passed the Senate.

There is, too, in the minds of some legislators, a belief that the amendment affects only "money in bank." There could be no more mistaken idea. Under the terms of the present law, all money is taxable, whether it be in the vault of a Virginia bank or in an old stocking under the mattress at home; whether on deposit in Richmond or in New York. By the ruling of the Attorney-General, the only possible escape from the tax, save through violation of the law, is to invest money in nontaxables. Every man who signs his interrogatory is supposed to list the money he has in bank, the money he has on his person—even the money he may have sent to another State to avoid the tax.

The bill deserves support in itself, and deserves it still more in that it demonstrates to the people of Virginia the real desire of the Assembly to give them relief. Heretofore there has been naught but talk and promise—here is an opportunity for decision and action. Once the Assembly passes this bill it will have given to the people of the Commonwealth convincing evidence of its desire to substitute justice for consideration, equity for robbery by law.

The passage of this act, we take it, will not be an isolated application of a just principle. It cannot be. With it there must be a classification of property for taxation—a classification which will not encourage the sale of securities to take advantage of the exemption of money, a classification which will fix on stocks and bonds a tax in proportion to their earning power.

In view of these facts—the positive benefits to the citizen rather than to the banker, the utter injustice of the present statute, its significance to the cause of reform and the possibilities of tax revision, which it anticipates, we cannot see how members of the House can oppose the bill as passed by the Senate.

A DOUBLE BARRELED LAW.

To make the carrying of concealed weapons a felony and to prohibit the sale of revolvers except for causes, clearly defined in the statute, which also would provide adequate punishment for dealers violating the act would be to tackle the problem of gun-toting from both ends, and to close in a large measure both avenues to a practice which is an admitted and serious menace to life.

Carrying concealed weapons is no longer a custom on the part of white people, but it is more than a custom, it is a habit, among certain elements of the blacks, and among the whites is not by any means a thing unknown. It is still the cause of suicide, murder and felonious shooting, and it still gives our coroner's juries work to do, and still helps keep the criminal courts busy.

To break up the practice is a consummation admittedly a necessity to the better protection of life. To that end attention has been devoted by legislators for years, and yet practically nothing has been accomplished by law. Some advance has been made as the efficiency of police protection has increased, and as communities have become less exposed to the dangers of outlaws and the outcasts of society, but progress, even along these lines, has not kept pace with the constantly diminishing needs of weapons to law-abiding citizens, and practically no advance has been made toward stopping the practice on the part of the actual and potential lawbreakers.

The lightness of the penalty, no less than the difficulty of detection, has been one cause of the inefficiency of the laws on the subject, and another has been the failure of the lawmakers to devote their attention as much to prevention at the source as to punishment by the example of the punishment of the gun-toter. A heavier penalty will aid, in that it will tend to eliminate the man who carries concealed weapons for no good reason and with no malicious purpose, and prohibition of the sale, except for good cause, will make it more difficult and more dangerous for the professional gun-toter to practice his profession.

"The Trusts Have the Trick" announces the Boston Herald—a blind scribe, unless we misread what your Uncle Woodrow has to say.

Something is wrong with the General Assembly. No member has yet disputed the constitutionality of an act or appealed to "that declaration wrong by our fathers from the unwilling hand of a deopet King."

OUR LITTLE DELLAH.

"I am very much in sympathy with Mr. and Mrs. Bradley and their daughter Dellah, and I don't think the child should be assumed any more than her parents. No girl of sixteen should be allowed to leave her home and go from the watchful care and training of her mother, if she has one, at that age. This girl was too young to be placed in a photographer's office, and more especially in one where she could put every allurements before her. Children at that age are easily attracted by wealth and show. No doubt if Dellah could have waited until she was eighteen or twenty she would have acted very differently."

MRS. O. T. M.
Our correspondent is right. Society, and not this wretched little prodigal, is at fault; we who sit snugly in our own virtue and thank God that we are not as other men, make other men as they are. And we sin first of all in that our industrial system makes us sacrifice childhood to the dollar, youth to a livelihood.

We are not so blind as not to see that there come times when the girls of a family must either work or starve. But we believe with all our hearts that if these cases be investigated the vast majority of them arise because someone—a parent, an employer—has failed to do his duty. Nothing that we can do as a nation will mean more for the next generation than a concerted effort to save from toll and from the temptation that sometimes follows it, the girls who are to be the mothers of the next generation. Better a slower industrial life, better less of that which we vaunt as progress, than riches purchased by the blood of our children. Better wise child-labor laws than larger dividends.

Of this case, in all its paths, we know little more than has been printed in our paper. We cannot say how or wherein the mother failed in her duty, or whether she failed at all. Yet this we know: that social usage which would make a child a woman overnight—that foolish haste which would give a child the prerogatives of maturity without the experience of years, is responsible for our Dellah Bradleys.

It may sound old-fashioned in a day when fifteen-year-old children have their beaux, and when thirteen-year-old girls go unescorted to dances, but we lose so many of our young women because we will not let them remain children.

Oh, for a return to that sanity and good sense which would lead a child gently into life—opening the doors only as strength is given, meeting the foe only as knowledge arms.

Queries and Answers

John Brown's Counsel.
Did John Brown, the abolitionist, have good counsel of his own choosing or did the court assign him lawyers?

Both. The record says, "Pursuant to summons, the court of justices met on the 24th of October, 1859, and entered upon the examination of Brown and his associates, which was for treason and murder. Upon inquiry of the court it was ascertained that the prisoner had no counsel. Here Brown arose and addressed the court to the effect that he presented no defense, and that he did not believe he would have it. He had no counsel, but if allowed counsel, he would have counsel of his own choosing. He said: 'The court could save itself the time and expense of a trial, and the court could save this case to the State by finding that this was only a preliminary examination, and could not await the arrival of counsel from the State.' The court appointed Hon. Charles J. Faulkner and Lawson Bots, Esq., to represent the prisoner. Subsequently, Thomas C. Green took the case to the court, and on the morning of the 25th George H. 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